

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00408

Brandon Earl Crocker,
Petitioner,

v.


Director, TDCJ-CID,
Respondent.

ORDER

Petitioner Brandon Earl Crocker brings this habeas corpus action, asserting the unlawfulness of his state-court sentence. Doc. 13. The court referred the matter to a magistrate judge pursuant to 28 U.S.C. § 636(b). On January 22, 2025, the magistrate judge issued a report and recommendation that the petition be denied and the case dismissed with prejudice as untimely and that a certificate of appealability be denied. Doc. 31. No objections were filed.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation, except that the court declines to deny a certificate of appealability sua sponte because the decision not to equitably toll, while not clear error, is debatable among jurists of reason. The petition is denied and the case dismissed with prejudice. Any pending motions are denied as moot.

So ordered by the court on July 23, 2025.



J. CAMPBELL BARKER
United States District Judge